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FILED.

DATED: 2:45 p.m. September 8, 2020

U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff

vs.

ALEJANDRO AVALOS,

Defendant.

Case No. 2:20-mj-00801-DJA

COMPLAINT FOR VIOLATION OF:

Count One:

Depredation Against Property of the United States – 18 U.S.C. §§ 1361 and 2

BEFORE the Honorable Daniel Albregts, United States Magistrate Judge, Las Vegas, Nevada, the undersigned Complainant, being duly sworn, deposes and states:

Count One

(Depredation Against Property of the United States)

On or about May 30, 2020, in the state and Federal District of Nevada,

ALEJANDRO AVALOS,

defendant herein, willfully and by means of repeatedly hitting the windows of a building with a metal bar, did injure and commit a depredation against property of the United States and of any department or agency thereof, and property which had been manufactured and

1 constructed for the United States, and any department or agency thereof, specifically the
2 Foley Federal Building, located at 300 South Las Vegas Boulevard, Las Vegas, Nevada 89101,
3 and the resulting damage was over one thousand dollars (\$1000.00) all in violation of Title 18,
4 United States Code, Sections 1361 and 2.

5 PROBABLE CAUSE AFFIDAVIT

6 1. Your Complainant is a Special Agent with the Federal Bureau of Investigation
7 (FBI), has been so employed since January 10, 2019, and is currently assigned to the Las Vegas
8 Field Office. Prior to this, he was a police officer for 10 years with the North Las Vegas Police
9 Department and Western Illinois University Police Department. As an FBI Agent,
10 your Complainant is assigned to the FBI's Las Vegas Violent Crimes Task Force and is
11 responsible for investigating a variety of violent crimes, to include bank robbery, kidnapping,
12 extortion, robbery, carjackings, assaults and murders of federal officers, racketeering related
13 violent offenses, as well as long-term investigations into the activities and operations of career
14 criminals, criminal enterprises, drug trafficking organizations, and violent street
15 gangs. Your Complainant has experience in conducting criminal investigations, including the
16 investigation of criminal groups and conspiracies as well as the collection of evidence and the
17 identification and use of witnesses.

18 2. The following information contained within this criminal complaint is based on
19 your Complainant's participation in this investigation or was provided to him by other law
20 enforcement personnel. I have not included every fact known to be concerning this offense. I
21 have set forth only the facts I believe are essential to establish the necessary foundation for this
22 complaint. All times noted are approximate.

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FACTS ESTABLISHING PROBABLE CAUSE

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2 3. On May 30, 2020, in Las Vegas, Nevada, large crowds gathered in multiple
3 locations of the Downtown area. A crowd arrived at the Lloyd D George Courthouse, located
4 at 333 South Las Vegas Boulevard, Las Vegas, Nevada and the Foley Federal Building (FFB),
5 located at 300 South Las Vegas Boulevard, Las Vegas at approximately 10:15p.m. Participants
6 in the protest became more boisterous, fireworks were set off, the walls near the buildings were
7 spray painted with obscenities and anti-law enforcement graffiti, and several small bushes of the
8 landscaping were lit on fire. Multiple individuals went to the east entrance of the FFB and
9 began to throw paint on the windows and caused physical damage to the building. Individuals
10 kicked the windows and doors to damage or break them to make entry, spray painted windows,
11 and attempted to break windows with a hammer, metal bars, and the metal letters tom off from
the sign that read, "FOLEY FEDERAL BUILDING UNITED STATES COURTHOUSE."

12 4. An on-duty Federal Protective Service (FPS) Protection Security Officer (PSO)
13 T.W., who was stationed inside the FFB, witnessed the damage and attempted break-in at the
14 building. T.W. stated the crowd outside could see him inside the building and said, "Get him!"
15 "Get the cop!" T.W. was in fear of the crowd breaking through the windows and door and was
16 in fear of the potential actions of the individuals against his person if they successfully made
17 entry. Ultimately, additional police units arrived inside the building and the crowd was
18 dispersed. Some letters torn from the FFB were taken by individuals and not recovered. The
19 Lloyd D. George Federal Courthouse was also damaged during this time.

20 5. On May 30, 2020, The FFB property located at 300 South Las Vegas Boulevard,
21 Las Vegas, Nevada, 89101, was property of the United States and of any department or agency
22 thereof and property which had been manufactured and constructed for the United States, and
23 any department or agency thereof.

1 6. On June 3, 2020, the General Services (GSA) completed a damage estimate for
2 the repair and clean-up of the FFB property. The estimate totaled seventy one thousand three
3 hundred thirty five dollars and seventy-two cents (\$71,335.72).

4 7. Shortly after the damage at the FFB occurred, a break-in occurred at the EZ
5 Pawn, located at 212 South Las Vegas Boulevard, Las Vegas, Nevada 89101. The store was
6 closed at the time of the break-in. Multiple individuals entered the store and stole merchandise,
7 which resulted in a loss of approximately fifty thousand dollars (\$50,000.00), not including the
8 damage sustained to the building.

9 8. The FFB was equipped with surveillance cameras on the exterior of the building
10 which captured footage of individuals who damaged the building on May 30, 2020. One
11 individual who was captured on the surveillance footage damaging the FFB was later positively
12 identified by investigators as ALEJANDRO AVALOS (hereinafter referred to as "AVALOS").
13 AVALOS, a Hispanic male, was wearing a Chicago Bulls cap with a sticker still attached to the
14 brim; a blue, white, and red jacket; black shorts with a white logo on the left side; black
15 midcalf-length socks, red shoes; and a black face mask with a white logo. AVALOS was
16 observed in the FFB video footage and other social media videos damaging the building by
17 hitting the building's windows with a blue metal bar. When AVALOS was hitting the building
18 with the bar, his mask was around his face.

19 9. On FFB security Camera 19, AVALOS was first observed on video at
20 approximately 22:20:00, walking up to the windows on the north end of the east entrance patio.
21 AVALOS was holding a blue metal bar in his right hand. On FFB security Camera 19 at
22 22:20:05, AVALOS hit one of the windows to the entrance of the building with the blue bar
23 twice. AVALOS then turned to the gathered crowd, yelled, and turned to hit the windows
with the blue bar again. On FFB security camera 19 at 22:20:12, AVALOS was seen striking a

1 different window two more times with the blue bar. AVALOS once again turned to the crowd,
2 yelled, then turned back to the FFB and began striking the building's windows. On FFB
3 security camera 19 at 22:22:18, AVALOS hit an FFB window with the bar two more times.
4 The FFB security footage shows glass breaking as AVALOS hit the window with the bar.

5 10. AVALOS was also observed in a social media video on YouTube of a live stream
6 posted by user name "Abandoned Explained" titled "LIVE: George Floyd Protest in
7 Downtown Las Vegas," which recorded protests in the Downtown Las Vegas area and the
8 damage at the FFB on May 30, 2020. At the 2:00:27 and 2:00:33 marks, AVALOS was
9 observed hitting the windows of the FFB with the blue bar.



17 Image #1 – 05/30/2020 - Foley Federal Building Security Camera 19, AVALOS arriving at
18 FFB east patio windows.



Image #2 – 05/30/2020 - Foley Federal Building Security Camera 19, AVALOS hitting window with blue bar.



Image #3 – 05/30/2020 - Foley Federal Building Security Camera 19, AVALOS hitting window with blue bar.

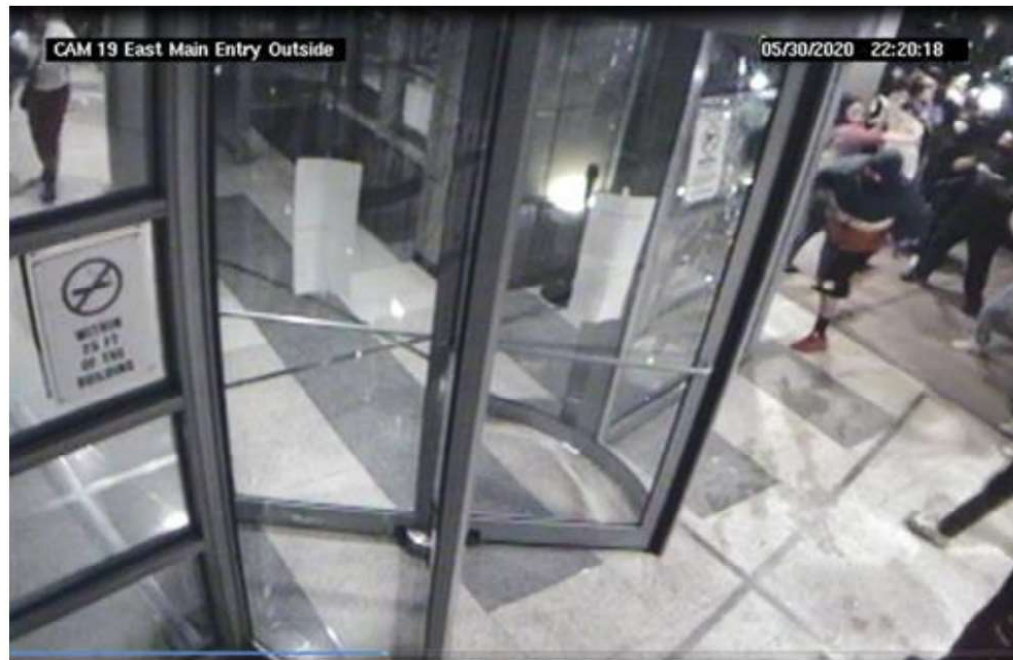


Image #4 – 05/30/2020 - Foley Federal Building Security Camera 19, AVALOS hitting window with blue bar.

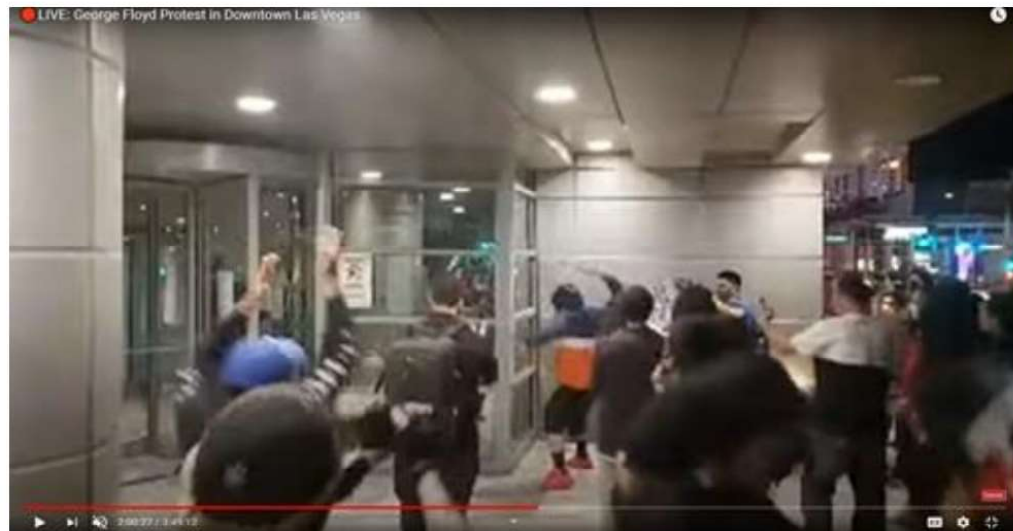


Image #5 – 05/30/2020 - from “Abandoned Explained” Video, AVALOS hitting FFB window with blue bar.

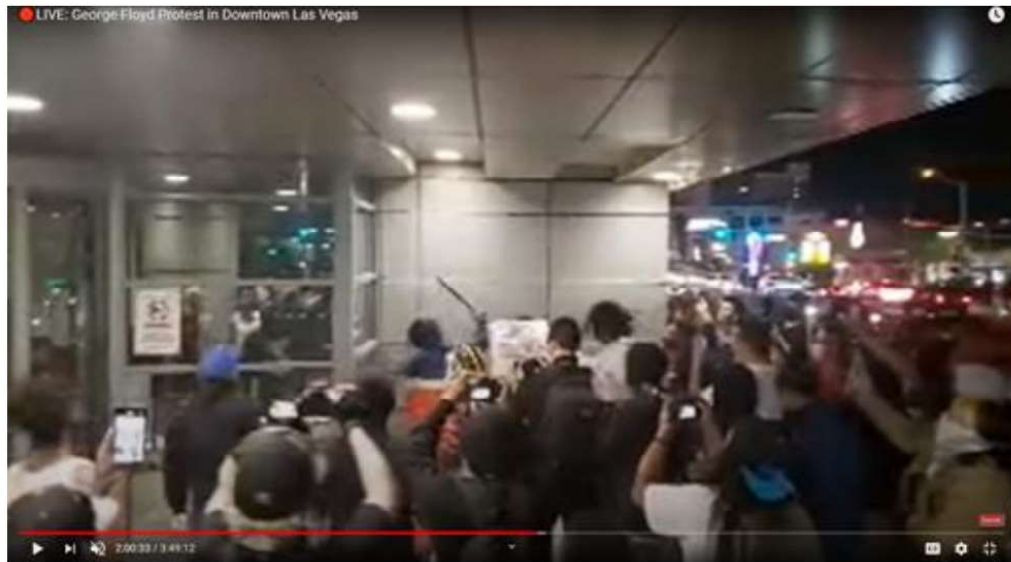


Image #6 – 05/30/2020 - from “Abandoned Explained” Video, AVALOS hitting FFB window with blue bar.

11. The EZ Pawn was equipped with external and internal surveillance cameras, which captured footage from the evening of May 30, 2020. Surveillance cameras recorded individuals damaging the EZ Pawn building, smashing the main glass entry door, and looting the establishment. The surveillance footage captured AVALOS inside the EZ Pawn breaking glass to the display cases, stealing items, and exiting the store with the stolen items. AVALOS had the same physical appearance and wore the same items of clothing as he did in the FFB surveillance camera footage and the “Abandoned Explained” video footage. AVALOS utilized the same blue bar he used to damage to the FFB to break the glass to the display cases in the EZ Pawn. Upon leaving the store, AVALOS left the blue bar on the floor in the EZ Pawn.



8 Image #7 – 05/30/2020 - from EZ Pawn Surveillance Video, AVALOS arriving at EZ Pawn



16 Image #8 – 05/30/2020 - from EZ Pawn Surveillance Video, AVALOS entering the EZ Pawn.



21 Image #9 – 05/30/2020 - from EZ Pawn Surveillance Video, AVALOS hitting glass display
22 cases with blue bar inside EZ Pawn.
23



Image #10 – 05/30/2020 - from EZ Pawn Surveillance Video, AVALOS taking items.



Image #11 – 05/30/2020 - from EZ Pawn Surveillance Video, AVALOS leaving EZ Pawn with stolen items. Blue bar left behind on floor.

12. LVMPD responded to the looting incident at the EZ Pawn, collected the blue bar as evidence. The bar was submitted to LVMPD's laboratory in attempts to identify a suspect through DNA testing. On August 7, 2020, your Complainant received an LVMPD lab report showing DNA was obtained off the blue bar and the Local DNA Index System (CODIS) returned a DNA match to ALEJANDRO AVALOS.

13. Your Complainant conducted database checks of AVALOS, to include Nevada Department of Motor Vehicle checks and requested body camera from previous police contacts AVALOS had with the Las Vegas Metropolitan Police Department (LVMPD). These checks showed AVALOS had the same stature and body build as the individual who caused damage to the FFB with the blue bar.

14. On September 2, 2020, agents, including your Complainant, made contact with

1 AVALOS at his residence. AVALOS verbally identified himself and was told he was not
2 under arrest. AVALOS agreed to answer the agent's questions. He requested to stay outside
3 and talk to the agents instead of going into the house. Agents could see AVALOS appeared
4 physically the same as he did in the surveillance footage from the FFB and EZ pawn.

5 15. AVALOS told agents he was at the FFB on May 30, 2020 during the protests and
6 was there delivering food to people in the area. According to AVALOS, when he arrived at the
7 protests, some unknown individuals encouraged him to stay and attend the protests with them.
8 While AVALOS' trunk was open, one of the individuals saw the blue metal handle of
9 AVALOS' blue car-jack in AVALOS' trunk. The individuals told AVALOS they may be able
10 to use the bar at the protests and AVALOS gave them permission to take the bar from the car-
11 jack out of the trunk. The individuals then removed the bar from the trunk.

12 16. AVALOS said when he arrived at the FFB a large crowd had already gathered.
13 AVALOS stated that he took the blue bar away from the unknown individual and struck struck
14 a window on the FFB about three times, breaking it. AVALOS said he then walked with some
15 of the crowd to the EZ pawn nearby and participated in the looting and vandalism of the
16 building.

17 17. AVALOS showed Agents the carjack that was in his trunk at the time of the
18 protests, and which was now in his garage. AVALOS removed part of the handle to show
19 Agents how he used it the night of the vandalism but said he used the extension to the bar at the
20 FFB and the bar was left behind in the EZ Pawn.
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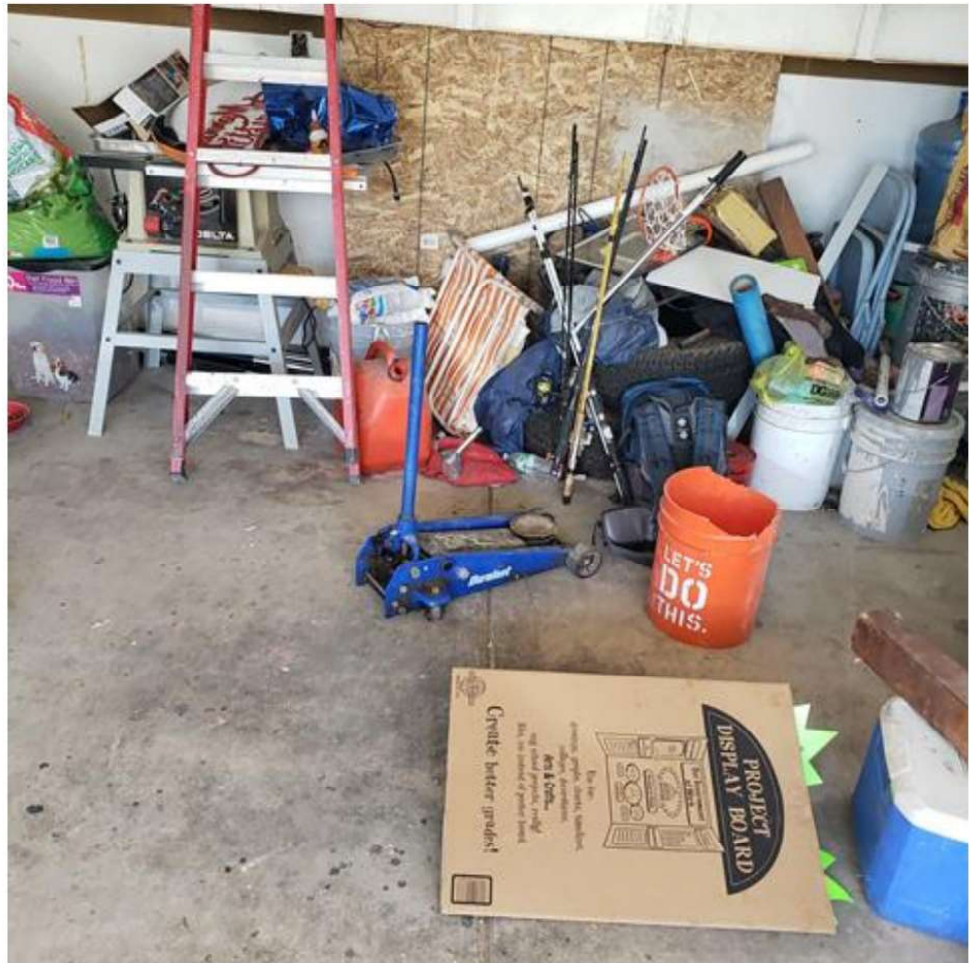


Image #12 – 09/2/2020 – picture of blue carjack, taken by Agents during interview of AVALOS at his residence.

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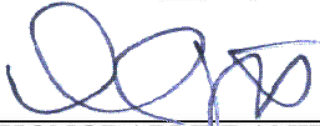
CONCLUSION

18. Based on the foregoing facts and information, Your Complainant believes there is probable cause to believe that ALEJANDRO AVALOS did commit a violation of 18 U.S.C. §§ 1361 and 2 – Depredation Against property of the United States.



Special Agent Zachary Franklin
Federal Bureau of Investigation

Attested to by the Applicant in accordance with the requirements of Fed. R. Crim. P. 41 by telephone on this 8th day of September, 2020.



THE HONORABLE DANIEL ALBREGTS
UNITED STATES MAGISTRATE JUDGE

